

1 RICK A YARNALL
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6 UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

7 In re:

8 TRACY DONTA WALKER
9 PAMELA DENISE WALKER

10 Debtor(s).

BK-S-25-10251-abl
Chapter 13

Hearing Date: March 27, 2025
Hearing Time: 1:30 PM

11
12 **TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN COMBINED WITH**
TRUSTEE'S REQUEST FOR DISMISSAL

13 COMES NOW Chapter 13 Bankruptcy Trustee, RICK A. YARNALL and hereby objects to
14 confirmation of the Chapter 13 Plan and recommends that confirmation be denied and the case
15 dismissed.

16 On January 17, 2025, the instant bankruptcy case was commenced. See Docket No. 1. The §
17 341(a) Meeting of Creditors was concluded on February 18, 2025. Confirmation of the proposed
18 plan is currently pending. The Debtor(s) bear the burden of proof on all elements of plan
19 confirmation. See In re Hill, 268 B.R. 548, 552 (B.A.P. 9th Cir. 1994). A proposed plan cannot be
20 confirmed until the Court has ensured that all requirements of §1325 have been satisfied. See United
21 Student Aid Funds, Inc. v. Espinosa, 130 S. Ct. 1367, 1380-81 (2010). Trustee objects to
22 confirmation of the proposed plan because it does not satisfy the confirmation requirement of §
23 1325.

Initially, Trustee opposes confirmation as he has not completed his investigation into the Debtor(s) financial affairs. In order to complete this investigation, the Trustee requests the following documentation and amendments:

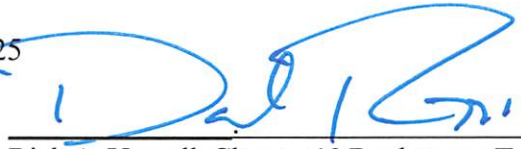
- Updated pay verification / profit & loss statements through confirmation;
- Copy of 2024 tax return when prepared;
- Copy of bank statements: Fifth Third Bank #2602 Dec 28-Jan 17; Fifth Third Bank #1020/1070/1088 Oct 17-Jan 17 (per Sch B); CashAPP Oct 17-Jan 17; Robinhood Oct 17-Jan 17;
- Pay verification for look back period: Mrs: Jul 1 thru Dec 31, 2024;
- Amend Schedule J – provide a feasible budget;

Debtor(s) have a duty to cooperate with the trustee. Failure to do so can result in denial of confirmation and the dismissal of the underlying case. Therefore, confirmation should be denied and the case dismissed if Debtor(s) fail to timely tender the above-mentioned documents to the Trustee.

Trustee further objects to confirmation as the proposed plan is not feasible because the plan fails to provide for the secured and priority claim of Fifth Third Bank and Internal Revenue Service [Claim Nos. 4 & 5]. Because Debtors' plan fails to comply with § 1325, confirmation should be denied.

Section 1325(a) requires the Court to withhold from confirming a plan until the plan complies with the applicable provisions of Title 11. 11 U.S.C. § 1325(a). As such, Trustee requests that this court withhold from confirming any proposed plan until the above objections have been resolved. For the foregoing reasons, the Trustee requests that confirmation be DENIED. Trustee further requests that the underlying case be DISMISSED if the Debtor(s) fail to timely resolve this objection to confirmation or become delinquent in plan payments.

DATED this 18th day of February, 2025


 Rick A. Yarnall, Chapter 13 Bankruptcy Trustee
 701 Bridger Avenue, Suite 820
 Las Vegas, Nevada 89101

CERTIFICATE OF MAILING

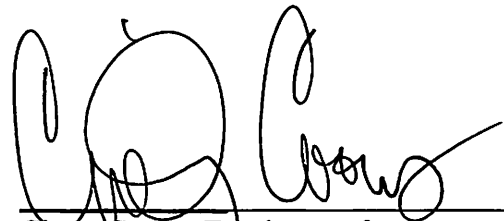
I hereby certify that I am an employee of RICK A. YARNALL, Chapter 13 Bankruptcy Trustee; that I am over the age of 18 years; and that on the 18th day of February, 2025, I provided a copy of the Trustee's Opposition to Confirmation to each of the following by:

☒ a. ECF System:

- GEORGE HAINES ghaines@freedomlegalteam.com, 9310938420@filings.docketbird.com
- RICK A. YARNALL ecfmail@LasVegas13.com, ecfimport@lasvegas13.com

☒ b. **United States mail, postage fully prepaid:**

TRACY DONTA WALKER
PAMELA DENISE WALKER
6530 ANNIE OAKLEY DR. APT. 1324
HENDERSON, NV 89014


Cindy Coons, Employee of
RICK A. YARNALL
CHAPTER 13 BANKRUPTCY TRUSTEE